



Department of
Human Resources

POLICY

Approved by: Rebecca R. Hunter, Commissioner	Policy Number: 12-047 (Rev. 02/18)
Signature: <i>Rebecca R. Hunter</i>	Supersedes: 11-068, 10-024
Application: Executive Branch Agencies, Appointing Authorities, Agency General Counsels	Effective Date: October 3, 2012
Authority: T.C.A. § 4-3-1703; T.C.A. § 8-30-104; T.C.A. § 16-3-808	Rule: N/A

Subject:

Pro Bono Representation for Attorneys in the State Service

Nothing in any law prohibits the voluntary provision of pro bono legal services through an organized program of pro bono legal services that receives funding pursuant to Tenn. Code Ann. § 16-3-808 and that provides professional liability insurance for losses sustained by clients of lawyers participating in the program.

Organized programs of pro bono legal services that receive funding pursuant to Tenn. Code Ann. § 16-3-808 currently include Legal Aid Society of East Tennessee, Legal Aid Society of Middle Tennessee and the Upper Cumberland, Memphis Area Legal Services, Tennessee Alliance for Legal Services, and West Tennessee Legal Services.

The providing of pro bono services by attorneys in the state service is voluntary. Attorneys who wish to provide such voluntary legal services through any of the above programs must adhere to the following requirements:

1. An attorney must seek and receive prior approval to provide voluntary legal services from the General Counsel of the employee's respective agency.
2. Pro bono services must not present a direct conflict of interest with the State.
3. An employee may not perform pro bono duties during regular working hours or use office equipment or resources. An attorney must seek and receive permission from his or her General Counsel for any exception to this requirement.
4. Pro bono duties must not interfere with official work responsibilities. An arrangement shall not be approved if it will diminish the time such an employee will have available for the performance of his or her regular duties.
5. An attorney providing pro bono services may not state or give the impression that the attorney is acting as a representative of the State.
6. The Department of Human Resources has not confirmed that the programs listed above provide the required professional liability insurance. An attorney will need to confirm this before volunteering his or her services to an organization.

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7. Any approval granted by an employee's General Counsel to perform pro bono legal services is subject to periodic review by the employee's General Counsel and may be rescinded.
8. An employee must continue to maintain a performance rating demonstrating valued performance. In the event the employee's performance falls, the agency maintains the right to restrict the employee's participation in such pro bono programs.

Questions regarding this policy should be directed to the Office of the General Counsel.